

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**SHEILA MAXWELL**

**CIVIL ACTION NO. 3:15-CV-309**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**IASIS GLENWOOD REGIONAL MEDICAL  
CENTER, ET AL**

**MAGISTRATE JUDGE KIRK**

**MOTION TO CONTINUE AND REFIX TRIAL DATE AND DEADLINES**

NOW INTO COURT, through undersigned counsel, comes Plaintiff SHEILA MAXWELL who respectfully moves the Court as follows:

1.

Plaintiff moves the Court to refix the trial date in this matter and all associated deadlines. The trial is now scheduled for March 7, 2016. Under the circumstances, it is impossible for the parties to be prepared for trial on that date or to meet the other deadlines because of the following reasons.

2.

In connection with this incident, Plaintiff SHEILA MAXWELL suffered injuries to her face including broken bones and a nose injury all of which will require surgical correction by Dr. Lawrence Danna, ear, nose and throat specialist.

3.

Plaintiff also suffered other injuries and psychological injuries and needs medical treatment and psychiatric or psychological treatment.

4.

Plaintiff has been unable to obtain the treatment she needs because the workers' compensation carrier for her employer denied that the claim was compensable under the Louisiana Workers' Compensation law. However, Plaintiff's case was tried before the workers' compensation judge who rendered a decision in favor of Plaintiff and condemned the employer to pay workers' compensation indemnity and medical benefits.

5.

The employer appealed that decision to the Louisiana Second Circuit Court of Appeal which rendered its decision affirming the judgment in favor of Plaintiff on September 30, 2015 in those proceedings styled "Sheila Maxwell Vs. Care Solutions, Inc., Docket No. WCA 15-50088".

6.

The Defendant employer has now filed a writ application with the Louisiana Supreme Court requesting that court to review the decision. Undersigned counsel expects the Supreme Court to indicate whether or not it will hear this case some time in late December, 2015 or January, 2016. Should that court deny the writ application, the judgment in favor of Plaintiff will become final and the employer will have to provide the needed medical treatment.

7.

The present trial date of March, 2016 simply does not give the parties sufficient time to properly evaluate this case because none of the medical treatment has been provided. The parties, without the medical treatment and information concerning Plaintiff's ultimate condition, cannot evaluate the matter for settlement or trial purposes.

8.

If the Louisiana Supreme Court does not hear the case, it will take a minimum of several months for Plaintiff to receive the treatment she needs and for her ultimate condition to be determined. It is only at that point that the parties can evaluate this matter for settlement and trial purposes.

9.

Due to the above unusual circumstances, Plaintiff requests that this Honorable Court continue and refix the trial in this matter and that the trial be refixed for at least one year past its present date and that new deadlines be fixed by the Court in connection with that new trial date.

10.

Counsel for both Defendants have been consulted and have no objection to this request.

WHEREFORE, PLAINTIFF PRAYS that the trial of this matter now scheduled for March 7, 2016 be continued and that a new trial date be fixed approximately one year thereafter and that new deadlines be fixed by the Court in connection with the new trial date.

RESPECTFULLY SUBMITTED:

LAW OFFICES OF  
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BY: s/ C. Daniel Street  
C. DANIEL STREET  
BAR NO. 12530

**CERTIFICATE**

I hereby certify that on November 20, 2015, the foregoing Motion was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Mr. Mark R. Pharr, III and Mr. Hal Moffett by operation of the Court's electronic filing system.

s/ C. Daniel Street  
**C. DANIEL STREET**